

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**EDUCATION POLICY COMMITTEE**

Wednesday, August 30, 2017  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Erin Oban, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Erin Oban, Kyle Davison, Richard Marcellais, Donald Schaible, Shawn Vedaa; Representatives Rich S. Becker, Ron Guggisberg, Mary Johnson, Donald W. Longmuir, Andrew Marschall, David Monson, Bill Oliver, Matthew Ruby, Cynthia Schreiber-Beck

**Member absent:** Representative Mark S. Owens

**Others present:** Senator Joan Heckaman, New Rockford, and Representative Corey Mock, Grand Forks, members of the Legislative Management  
John Bjornson, Legal Division Director, Legislative Council  
See [Appendix A](#) for additional persons present.

**SUPPLEMENTARY RULES OF OPERATION AND PROCEDURE  
OF THE NORTH DAKOTA LEGISLATIVE MANAGEMENT**

At the request of Chairman Oban, the Legislative Council staff reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

**ENTITIES DELIVERING KINDERGARTEN THROUGH GRADE 12  
SERVICES TO SCHOOLS IN THE STATE**

At the request of Chairman Oban, the Legislative Council staff presented a background memorandum entitled [Education Policy Committee - Entities Providing Services to Schools Background Memorandum](#). The Legislative Council staff said the memorandum is not intended to be an exhaustive list of every entity providing services in the state, but is intended to highlight some of the more prevalent entities.

**Department of Public Instruction**

Chairman Oban called on Ms. Kirsten Baesler, Superintendent of Public Instruction, Department of Public Instruction, for a presentation (Appendices [B](#), [C](#), and [D](#)) pertaining to the budget, governance, services, quality assurance, duplication of services, and efficiency of the Department of Public Instruction (DPI). Ms. Baesler said that out of 178 public school districts in the state, 175 are currently operating. She said the three districts that are not operating do not have any students at this time, but their school boards have not yet decided to disband or dissolve.

Ms. Baesler said the number of home-educated students reflects the number of students for whom a letter of intent to home educate has been filed with the local school district. She said there may be a slight discrepancy in the number because the compulsory education law in the state requires students ages 7 to 16 to be enrolled in an education system. She said home education may start earlier than age 7 and last longer than age 16, and may not be reported. She said on average the state provides \$9,963 per pupil.

In response to a question from Chairman Oban, Ms. Baesler said the Every Student Succeeds Act dashboard will be implemented during February of the 2017-18 school year. She said an implementation committee will determine what will go on the dashboard to be seen by the public regarding school district performance. She said a balance needs to be found between providing necessary information to taxpayers and parents while keeping the dashboard display simple and easy to understand.

In response to a question from Representative Guggisberg, Ms. Baesler said information on the dashboard and on the DPI website will be available for each individual school in the state rather than at the district level.

In response to questions from Representative Becker, Ms. Baesler said although DPI took a budget hit during the last legislative session, the funding per pupil stayed level. She said the department could do much more with

additional funding, but the department is able to do a lot of good things with the existing funding. She said the cost per pupil is directly related to scales of economy and the cost per student can be much higher in smaller school districts in which there are fewer students to share the burden of the overhead costs of providing education.

In response to a question from Senator Marcellais, Ms. Baesler said on the "choice ready" handout ([Appendix C](#)), the top two blue boxes are non-negotiable. She said every student must meet those expectations. She said each student also must meet two of the three columns underneath the blue boxes.

In response to questions from Senator Davison, Ms. Baesler said DPI's business process model eliminated inefficiencies. She said when the department does not have the resources available to do direct professional development with educators in certain districts in the state, the department may offer grants to allow the professional development services to be scaled out. She said professional development and grants are determined by requests from the individual school districts.

In response to a question from Representative Johnson, Ms. Baesler said the connection between the innovative education movement and the strategic vision planning within DPI is that strategic planning will set goals and expectations of the state for K-12 education. She said once the plan is set, it is up to the professionals within the individual schools and districts to reach those goals.

In response to a question from Chairman Oban, Ms. Baesler said DPI's greatest strength likely is the personal commitment and passion toward its work and the success of students. She said the greatest weakness of the department, with respect to its service to school districts, likely is the multitude of levels and operations within the department which makes it difficult to know who to contact with a question.

### **Department of Career and Technical Education**

Chairman Oban called on Mr. Wayne Kutzer, Director and Executive Officer, Department of Career and Technical Education, for a presentation ([Appendix E](#)) pertaining to the budget, governance, services, quality assurance, duplication of services, and efficiency of the Department of Career and Technical Education (CTE). Mr. Kutzer said the department evaluates every school in the state that has a career and technical education program once every 5 years. He said the department conducts onsite evaluations of 10 to 13 programs each year.

In response to questions from Senator Davison, Mr. Kutzer said area centers operate under the authorization of CTE, but are not governed by the department. He said each center has a board that governs its operations. He said there are 92 school districts involved with the area centers. He said cooperation is the main concept behind area centers to allow for programs that a single school or district would be unable to offer. He said virtual centers were first deployed in 2007, and allow more student access to career and technical education programming. While it would be possible for fewer area centers to offer programming to more schools, he said, there would be far fewer opportunities for teachers to directly connect with students. He said there are six to eight states that do not have a department of career and technical education within the state department of public instruction or education. He said CTE is designed to work with specific schools on specific questions. He said the department is very responsive to questions. He said it likely would not be beneficial to have career and technical education under DPI because doing so would reduce the ability to be flexible in responding to the questions and provide services.

In response to a question from Representative Schreiber-Beck, Mr. Kutzer said there is a big future for dual credits. In the realm of career and technical education, he said, dual-credit courses are relatively small and rare, but are becoming more prevalent. He said working with the individual campuses for dual-credit courses is the biggest challenge. He said it is difficult ensuring the campuses have both the capacity and flexibility to bring in an individual with dual credit and place the individual in advanced standing.

In response to a question from Senator Schaible, Mr. Kutzer said to teach dual-credit courses for career and technical education, instructors are not required to have a master's degree. He said as long as an instructor can be certified under the guidelines required by the college at which the instructor intends to teach, the instructor meets the requirements of the Higher Education Commission.

In response to a question from Senator Davison, Mr. Kutzer said CTE does not work with ITV consortiums. If a school wants to deliver an ITV course, he said, the school works with the consortium in its region. He said a school that wants to deliver a career and technical education program is provided additional funding by the department.

In response to a question from Chairman Oban, Mr. Kutzer said CTE's greatest strength is the technical assistance, up-to-date curriculum, and instructor training provided to schools. He said one of the greatest challenges facing the department is the difficulty people have in contacting the correct person with questions because the department does so many different things.

### Education Standards and Practices Board

Chairman Oban called on Dr. Becky Pitkin, Executive Director, Education Standards and Practices Board, for a presentation ([Appendix F](#)) pertaining to the budget, governance, services, quality assurance, duplication of services, and efficiency of the Education Standards and Practices Board (ESPB). Dr. Pitkin said the majority of states have teacher licensing boards within the department of education. She said North Dakota has an independent board. She said states with an asterisk next to the state name on the slide regarding license fee comparison indicate states with independent licensure boards. She said the board does not receive any direct funding from the state.

In response to a question from Senator Heckaman, Dr. Pitkin said following the passage of the new Every Student Succeeds Act, ESPB programmed into a teacher license the areas in which the teacher is licensed to teach based on the teacher's minors, without a fee. If the board misses any potential areas a teacher should be licensed to teach, she said, the teacher may call and ask the board to re-evaluate the courses the teacher took to see if the teacher should be licensed in a certain area.

In response to a question from Representative Monson, Dr. Pitkin said when the board decides to license a teacher in a "minor area," it is not necessarily a certified minor reflected on the teacher's college transcript. She said board stakeholders and the State Board of Higher Education collaborated and determined the criteria for a minor. She said the board does not decide what a minor degree looks like, it adheres to the criteria in place and determines if a teacher should be licensed to teach in a certain area based on the courses the teacher took. She said this process is used because under No Child Left Behind teachers were not allowed to teach in minor areas, and as a result colleges stopped issuing minor degrees.

In response to a question from Representative Becker, Dr. Pitkin said the board offers alternate access licenses that allow potential teachers with enough coursework in a content area to teach in the classroom without previous classroom management coursework as long as the individuals find a program of study to acquire the requisite pedagogy through an institution of higher education and complete the program within 3 years.

In response to a question from Representative Guggisberg, Dr. Pitkin said the board guarantees that every teacher given a license has completed the requirements to be a teacher put forth by higher education, including dispositions. She said the trust is placed with the local administrators to administer teacher evaluations to support teachers and provide them with assistance where needed to ensure they are highly effective in a classroom setting.

In response to questions from Chairman Oban, Dr. Pitkin said the board will periodically receive feedback from principals criticizing the classroom management skills of some teachers and the requirements placed on teachers to be effective in the classroom, but the criticism is very rare. She said gaps in classroom management skills are less likely the result of licensure, and more likely the result of lack of experience in first year teachers and lack of effective mentoring. She said the board tracks all the content standards required to be a teacher. She said career and technical education has standards required to certify an instructor in an area of career and technical education. She said once career and technical education determines an individual has the qualifications to be certified as an instructor, the department will send the information to ESPB to license the individual. She said the greatest strength of the board is customer service and high levels of collaboration. She said the greatest weakness of the board, according to those whom the committee might ask, is the board is too strict on the requirements of who is allowed to be licensed to teach. She said there is a sentiment that the requirements to become a teacher should be loosened.

### Regional Education Associations

Chairman Oban called on Mr. Luke Schaefer, Director, Mid Dakota Education Cooperative and the Missouri River Education Cooperative, for a presentation ([Appendix G](#)) pertaining to the budget, governance, services, quality assurance, duplication of services, and efficiency of regional education associations (REA). Mr. Schaefer said unlike many of the other entities presenting before the committee today, REAs do not have any state employees. He said there are eight REAs in the state. He said approximately 45 states have some form or the equivalent of an REA called education service agencies. He said REAs serve as the boots on the ground to move initiatives forward in areas in which DPI may not have the resources available to do so. He said 27 percent of the funding for REAs in the last biennium came from federal sources, 50 percent came from private and local funds, and 23 percent came from state agency funding. He said the cost per pupil across the eight REAs is roughly \$118.

In response to questions from Senator Schaible, Mr. Schaefer said one of the reasons the REAs have been unable to explore the areas for increased efficiency pointed out in the presentation is the borders in place between REAs, ITV consortiums, virtual centers, and other agencies make coordination of services difficult. He said some grants are cooperative in nature and are shared across all eight REAs, while others are competitive and utilized only by the REA that was awarded the grant. He said having eight unique REAs is beneficial because each is uniquely tailored to the member schools and districts.

In response to questions from Representative Longmuir, Mr. Schaefer said 93 percent of school districts in the state utilize REA services. He said those school districts represent 98 percent of the students in the state.

In response to a question from Chairman Oban, Mr. Schaefer said REAs serve both public and nonpublic schools in the state. He said the professional development offered by REAs is determined by reaching out to administrators and teachers to see which initiatives they are trying to advance so that the REAs can tailor professional development services toward those initiatives. He said the REAs also attempt to ensure they are strategically providing professional development services to meet goals and expectations put in place through the vision of DPI.

In response to questions from Senator Davison, Mr. Schaefer said REAs have board discussions regarding salary ranges and what qualities they are looking for when a position becomes open for hire. He said they are able to be flexible in the hiring processes to ensure they find the correct person for the job.

In response to a question from Chairman Oban, Mr. Schaefer said the boundaries for the REAs and requirements to join an REA were determined in statute. He said belonging to an REA requires a contiguous landmass and the approval of the Superintendent of Public Instruction. He said he is unaware of any school within a contiguous landmass requesting a waiver to join a different REA. He said it is doubtful a waiver would be granted based on the current law.

In response to a question from Senator Davison, Mr. Schaefer said prior to the last biennium each REA had a line item budget for a full-time executive director at \$50,000 per year. He said the line item has since been changed to \$32,000 per year. He said teacher centers were asked to merge with REAs during the last biennium to create efficiencies and the \$20,000 per year budget item was removed for those teacher centers.

In response to a question from Chairman Oban, Mr. Schaefer said REAs are good at building relationships with the schools they serve and the ability to direct them to the correct contact person when there is a question. He said REAs could improve the ability to dedicate more time to serving member schools. He said the REAs are receiving increasing demands to be in the schools providing direct services to teachers, and they do not always have the time and resources to meet demands.

### **Educational Technology Council**

Chairman Oban called on Ms. Rosi Kloberdanz, Director, Educational Technology Council, and Dr. Alan J. Peterson, Director, Center for Distance Education, for a presentation (Appendices [H](#) and [I](#)) pertaining to the budget, governance, services, quality assurance, duplication of services, and efficiency of the Educational Technology Council entities, including EduTech and the Center for Distance Education.

In response to questions from Senator Davison, Mr. Dan Sipes, Director of Operations and Deputy Chief Information Officer, Information Technology Department, said the department is starting to look at shared services within the cabinet agencies. He said the department will be looking at removing duplication and streamlining services. He said the department will look at the positives and negatives of having two help desks in the state to determine if both are necessary. He said the department hired additional staff during the rollout of the two help desks regarding EduTech and PowerSchool. He said both help desks are now in operational mode. He said the department is trying to determine the future workload of the specialists employed at the help desks.

In response to a question from Senator Davison, Dr. Peterson said regarding the special funds for the Center for Distance Education, it is possible to determine the percentage of tuition being paid by school districts through foundation aid and the percentage being paid by the students. He said he does not have those figures available at the moment, but he will get them. He said the teacher salaries for the biennium pay for 14 full-time teachers employed by the center. He said approximately \$400,000 is set aside to hire part-time teachers.

In response to questions from Senator Schaible, Dr. Peterson said the first SmartLab was installed 1 year ago. He said an additional seven SmartLabs have been installed, and four more schools are scheduled to have SmartLabs installed. He said an additional 20 schools have shown interest in getting a SmartLab.

In response to a question from Senator Marcellais, Dr. Peterson said SmartLabs are installed in schools that want one and can afford to pay for the SmartLab. He said installing a SmartLab includes training teachers and providing the necessary software to operate the SmartLab. He said a SmartLab costs \$35,000 to install in an elementary school. He said a SmartLab that can accommodate 30 students at a time for K-12 costs \$90,000 to install.

In response to a question from Chairman Oban, Dr. Peterson said approximately 85 percent of the center's enrollments come from in-state students. He said a large portion of those students take core courses through the center.

In response to a question from Chairman Oban, Dr. Peterson said the strengths of the center are that center employees go out of their way to make sure teachers, staff, and students get what they need. He said the center does customer service well. He said an area of improvement would be to upgrade the online system to be more sophisticated and adaptive to the needs of the people served.

### **LEVERAGING THE SENIOR YEAR INITIATIVE**

Chairman Oban called on Ms. Baesler for a presentation ([Appendix J](#)) pertaining to the leveraging the senior year initiative.

In response to questions from Senator Schaible, Ms. Baesler said while the leveraging the senior year initiative works to reduce the need for remediation for seniors going on to college, the Every Student Succeeds Act and the Choice Ready Graduates program help to ensure students do not require remediation while they are still in high school.

In response to questions from Representative Becker, Ms. Baesler said there might be a cultural problem in which students entering the senior year feel a sense of accomplishment and believe they deserve to take it easier in school before moving on to college, which can result in the need for remediation. She said these programs will help to change that cultural norm.

In response to a question from Senator Davison, Ms. Baesler said data can be determined regarding the percentage of students taking AP courses as a result of this program who came out of rural school districts. She said that data will be forwarded to the committee.

### **CAREER PATHWAYS INITIATIVE**

Chairman Oban called on Mr. Kutzer for a presentation ([Appendix K](#)) pertaining to the career pathways initiative.

In response to a question from Chairman Oban, Mr. Kutzer said graduation rates of Native American students who take two or more courses in a pathway is 89 percent versus approximately 60 percent statewide if they do not. He said students are more engaged when taking concentrated courses in a career pathway.

In response to a question from Senator Schaible, Mr. Kutzer said career pathways will be included on the state longitudinal data system parent-student portal being created to determine if a student is on track toward a particular career and whether the student needs remediation to graduate.

### **TEACHER MENTORING INITIATIVE**

Chairman Oban called on Dr. Pitkin and Ms. Erin Jacobson, Teacher Support System Coordinator, Education Standards and Practices Board, for a presentation (Appendices [L](#) and [M](#)) pertaining to the teacher mentoring initiative.

In response to a question from Representative Schreiber-Beck, Dr. Pitkin said there are over 10,000 teachers licensed in the state.

Senator Davison said he does not understand why it is so difficult to secure funding for this program when it has such a positive impact on new teachers in the state.

### **SUCCEED 2020 INITIATIVE**

Chairman Oban called on Mr. Schaefer for a presentation ([Appendix N](#)) pertaining to the Succeed 2020 initiative.

In response to a question from Chairman Oban, Ms. Louise Dardis, Program Manager, Succeed 2020, said there was growth in all the REAs across the state as a result of the participation in this program.

**MISCELLANEOUS DISCUSSION AND STAFF DIRECTIVES**

Chairman Oban said she is hoping to hold the next committee meeting in November.

No further business appearing, Chairman Oban adjourned the meeting at 3:30 p.m.

---

Dustin Assel  
Counsel

ATTACH:14